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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,769	06/13/2000	Cary Lee Bates	ROC920000098	5582
7590	09/08/2004		EXAMINER	NGUYEN, THANH T
Gero G McClellan Thomason Moser & Patterson LLP 3040 Post Oak Boulevard Suite 1500 Houston, TX 77056-6582			ART UNIT	PAPER NUMBER
			2144	4
DATE MAILED: 09/08/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/592,769	BATES ET AL.
	Examiner Tammy T Nguyen	Art Unit 2143
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<b>Period for Reply</b>		
<b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>(3)</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>		
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b>		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>22 September 2003</u> .		
2a) <input checked="" type="checkbox"/> This action is <b>FINAL</b> .                            2b) <input type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.		
<b>Disposition of Claims</b>		
4) <input checked="" type="checkbox"/> Claim(s) <u>1,4-10,12-15 and 19-37</u> is/are pending in the application.		
4a) Of the above claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1,4-10,12-15 and 19-37</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.		
<b>Application Papers</b>		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>13 June 2000</u> is/are: a) <input checked="" type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.		
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner.		
If approved, corrected drawings are required in reply to this Office action.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
<b>Priority under 35 U.S.C. §§ 119 and 120</b>		
13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).		
a) <input type="checkbox"/> All    b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:		
1. <input type="checkbox"/> Certified copies of the priority documents have been received.		
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.		
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
* See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).		
a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.		
15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
<b>Attachment(s)</b>		
1) <input type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____.		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other: _____.		



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**Detailed Office Action**

1. This action is in response to the amendment filed on September 26, 2003.
2. Claims 2,3, 11,16-18, are cancelled.
3. Claims 30-37 are newly added.

***Claim Objections***

4. Claims 12, and 13 are objected to because of the following informalities: claims 12, and 13 are dependent on a cancelled claim 11. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) do not apply to the examination of this application as the application being examined

was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 4-10, 12-15 and 19-37 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Dean A. Klein., (USPN 6,496,853 – Date of Patent: December 17, 2002, herein referred to as “Klein”).

7. As to claim 1, Klein teaches the invention as claimed, including a method for processing redundant electronic mail messages comprising:

receiving an electronic mail message addressed to a recipient (Abstract, col.1, lines 20-30, col.3, lines 10-22, and col.4, lines 7-24); and

deleting the received electronic mail message if the received electronic mail message is at least substantially similar to an available electronic mail message also addressed to the recipient and if the electronic mail message include a redundancy attribute appended to the electronic mail message by a sender of the electronic mail message (Abstract, col.10, lines 16-26, col.3, lines 15-25, and col.6, lines 53-65, and col.9, lines 51-67).

8. As to claim 4, Klein teaches the invention as claimed, wherein the available electronic mail message comprises at least one of a plurality of undeleted electronic mail message stored in a memory device of a recipient terminal at which the electronic mail message is received (col.3, lines 23-37).

9. As to claim 5, Klein teaches the invention as claimed, wherein the undeleted

electronic mail message comprises previously opened electronic mail messages and unopened electronic mail messages (col.3, lines 12-23, and col.10, lines 15-27).

10. As to claim 6, Klein teaches the invention as claimed, wherein the deleting is automatically performed if the received electronic mail message is substantially similar to the available electronic mail message (col.3, lines 24-62, col.6, lines 53-65, and col.10, lines 16-26).

11. As to claim 7, Klein teach the invention as claimed, wherein the deleting is performed upon confirmation by the recipient of the received electronic mail message if the received electronic mail message is substantially similar to the available electronic mail message (col.9, lines 50-67).

12. As to claim 8, Klein teaches the invention as claimed, wherein the available electronic mail message is substantially similar to the received electronic mail message if the available electronic mail message and the received electronic mail message have a substantially similar identifier field (Fig.4, col.9, lines 29-50).

13. As to claim 9, Klein teaches the invention as claimed, wherein the identifier field comprises at least one from the group of user information, subject information and timestamp information (col.4, lines 26-57, and col.11, lines 26-42).

14. As to claim 10, Klein teaches the invention as claimed, including a method for processing redundant electronic mail messages comprising:

receiving an electronic mail message addressed to at least one recipient (Abstract, col.4, lines 7-57);

determining whether the received electronic mail message includes a redundancy attribute appended by a sender of electronic mail message (col.3, lines 15-25);

if so determining whether the received electronic mail message is redundant with respect to an available electronic mail message also addressed to the at least one recipient; (Abstract, col.3, lines 41-50, and col.4, lines 35-57); and

deleting the received electronic mail message if the received electronic mail message is redundant with respect to the available electronic mail message (col.3, lines 41-50, col.10, lines 23-26).

15. As to claim 12, Klein teaches the invention as claimed, wherein the attribute comprise control information readable by an electronic mail processor and causing the electronic mail processor to perform the deleting if the attribute is included with the received electronic mail message (Abstract, and col.9, lines 29-39)

16. As to claim 13, Klein teaches the invention as claimed, wherein the control information is embedded in a header of the received electronic mail message (col.5, lines 16-50, and col.4, lines 7-57).

17. As to claim 14, Klein does not teach the invention as claimed, wherein the available electronic mail message is substantially similar to the received electronic mail message if the available electronic mail message and the received electronic mail message have a substantially similar identifier field. However, Pollack teaches the available electronic mail message is substantially similar to the forwarded electronic mail message if the available electronic mail message and the forwarded electronic mail message have a substantially similar identifier field (Abstract, and col.2, lines 1-25, col.5, lines 16-35, and col.7, lines 10-34). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Klein and Pollack to have a deleting the forwarded electronic mail in a

communication system because it would have an efficient system that can provide specific functions to erase data from a file or remove a file from a storage medium.

18. As to claim 15, Klein teaches the invention as claimed, wherein the identifier field comprises at least one from the group of user information, subject information and timestamp information (col.11, lines 26-42, and col.5, lines 16-35).

19. As to claim 19, Klein teaches the invention as claimed, including as apparatus for processing redundant electronic mail messages comprising:

a memory for storing an electronic mail program (col.3, lines 24-37); and  
a processing unit (col.3, lines 24-37, and col.10, lines 16-26), coupled to the memory, for executing the electronic mail program retrieved from the memory (col.9, lines 40-65, and col.10, lines 38-60), receiving an electronic mail message addressed to a recipient (col.1, lines 20-30), and deleting the received electronic mail message if the received electronic mail message is at least substantially similar to an available electronic mail message also addressed to the recipient and if the received electronic mail message includes a redundancy attribute appended to the received electronic mail message by a sender of the received electronic mail message (Abstract, col.10, lines 16-26, col.3, lines 15-25, and col.6, lines 53-65, and col.9, lines 51-67).

20. As to claim 20, Klein teaches the invention as claimed, further comprising a display unit, coupled to the processing unit, for displaying the available electronic mail message (col.4, lines 7-35, col.6, lines 31-53, and col.11, line 65 to col.12, line 25).

21. As to claim 21, Klein teaches the invention as claimed, including a computer readable medium storing a software program that, when executed by computer, causes the computer to perform a method comprising:

receiving an electronic mail message addressed to a recipient (Abstract, col.1, lines 20-30, and col.4, lines 7-24);

determining whether the received electronic mail message includes a redundancy attribute appended by a sender of received electronic mail message; and if so deleting the received electronic mail message if the received electronic mail message is at least substantially similar to an available electronic mail message also addressed to the recipient (Abstract, col.10, lines 16-26, col.3, lines 15-25, and col.6, lines 53-65, and col.9, lines 51-67).

22. As to claim 22, Klein teaches the invention as claimed, wherein the deleting comprises determining whether the received mail message was substantially unaltered by a sender of the received electronic mail message (Abstract, col.3, lines 10-22, and col.4, lines 36-57).

23. As to claim 23, Klein teaches the invention as claimed, wherein the deleting comprise:

flagging the received electronic mail message if the received electronic mail message was substantially unaltered by a sender of the received electronic mail message (Abstract, col.2, lines 20-44); and

deleting the flagged electronic mail message (col.2, lines 20-44).

24. As to claim 24, Klein teaches the invention as claimed, wherein the available electronic mail message comprises at least one of a plurality of undeleted electronic mail message stored in a memory device of the recipient terminal (col.3, lines 23-37).

25. As to claim 25, Klein teaches the invention as claimed, wherein the undeleted

electronic mail message comprises previously opened electronic mail messages and unopened electronic mail messages (col.3, lines 12-23, and col.10, lines 15-27).

26. As to claim 26, Klein teaches the invention as claimed, wherein the deleting is automatically performed if the received electronic mail message is substantially similar to the available electronic mail message (col.3, lines 24-62, col.6, lines 53-65, and col.10, lines 16-26).

27. As to claim 27, Klein teach the invention as claimed, wherein the deleting is performed upon confirmation by the recipient of the received electronic mail message if the received electronic mail message is substantially similar to the available electronic mail message (col.9, lines 50-67).

28. As to claim 28, Klein teaches the invention as claimed, wherein the available electronic mail message is substantially similar to the received electronic mail message if the available electronic mail message and the received electronic mail message have a substantially similar identifier field (Fig.4, col.9, lines 29-50).

29. As to claim 29, Klein teaches the invention as claimed, wherein the identifier field comprises at least one from the group of user information, subject information and timestamp information (col.4, lines 26-57, and col.11, lines 26-42).

30. As to claim 30, Klein teaches the invention as claimed, including a computer implemented method for processing outbound electronic mail message at a sending computer to identify redundant electronic mail messages addressed to a recipient, comprising: launching an electronic mail message program on the sending computer (col.4, lines 1-5); receiving input for an electronic mail message addressed to the recipient (col.1, lines 24-27); appending a redundancy attribute to the electronic mail message, wherein the redundancy

attribute configures an electronic mail processor on a receiving computer to determine whether the electronic mail message is redundant with respect to other electronic mail messages addressed to the recipient; and sending the electronic mail message (col.3, lines 15-25).

31. As to claim 31, Klein teaches the invention as claimed, wherein appending redundancy attribute comprises configuring the electronic mail message with control information readable by the electronic mail processor (col.4, lines 60-67).

32. As to claim 32 Klein teaches the invention as claimed, wherein the redundancy attribute configures the electronic mail processor to delete the electronic mail message if the electronic mail message is redundant with respect to the other electronic mail message (col.3, lines 15-25).

33. As to claim 33, Klein teaches the invention as claimed, wherein the appending is performed in response to a user command (col.12, lines 15-25).

34. As to claim 34, Klein teaches the invention as claimed, including a method for processing outbound electronic mail message at a sending computer to identify redundant electronic mail messages addressed to a plurality of recipients defined in a mailing list, comprising:

launching an electronic mail message program on the sending computer, wherein the electronic mail message program includes the mailing list and wherein the electronic mail message program is configured to append a redundancy attribute to each electronic mail message addressed to the mailing list (col.4, lines 1-5); receiving input for an electronic mail message addressed to the mailing list (col.1, lines 24-27);

redundancy attribute configures an electronic mail processor on a receiving computer to determine whether the electronic mail message is redundant with respect to other electronic mail message addressed to a same recipient (col.3, lines 40-50, and col.10, lines 20-30); and sending the electronic mail message, whereby an instance of the electronic mail message is sent to each of the plurality of recipients defined in the mailing list (col.4, lines 1-5).

35. As to claim 35, Klein teaches the invention as claimed, wherein appending the redundancy attribute comprise configuring the electronic mail message with control information readable by the electronic mail processor (col.4, lines 60-67).

36. As to claim 36, Klein teaches the invention as claimed, wherein the redundancy attribute configures the electronic mail processor to delete the electronic mail message if the electronic mail message is redundant with respect to the other electronic mail messages (col.3, lines 15-25).

37. As to claim 37, Klein teaches the invention as claimed, wherein the appending is performed in response to a user command (col.12, lines 15-25).

### ***Response to Arguments***

38. Applicant's arguments filled on September 26, 2003 have been fully considered, however they are not persuasive because of the following reasons:

39. Applicants argue that Klein does not teach configuring an outbound email with an attribute that causes a receiving computer to check the email for redundancy with respect to other emails addressed to the same recipient. In response to Applicant's argument, the Patent Office maintain the rejection because Klein teaches configuring an outbound email with an attribute that

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cause a receiving computer to check the email for redundancy with respect to other emails addressed as shown in column 2, lines 40-44, column 3, lines 15-25, and column 10, lines 23-26, clearly shows the system for managing messages with redundant contents from the identified messages so that user need not review the redundant messages.

40. Therefore, the Examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims 1, 10, 19, 21, 30 and 34. Claims 4-9, 12-15, 20, 22-29, 31-33, and 35-37 are also rejected at least by the virtue of their dependency on independent claims and by other reasons set forth in the previous office action.

41. Accordingly, claims 1, 4-10, 12-15 and 19-37 are respectfully rejected.

### ***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

27. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(703) 305-7982**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 6:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Bill Cuchlinski, may be reached at **(703) 308-3873**.

TTN  
August 23, 2004



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